

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MARDELL MAURICE JOHNSON,

Plaintiff,

v.

NEVADA DEPARTMENT OF
CORRECTIONS MEDICAL
DEPARTMENT, *et al.*,

Defendants.

Case No. 3:22-cv-00552-MMD-CLB

ORDER REOPENING CASE

On February 13, 2023, the Court dismissed this action without prejudice because Plaintiff failed to comply with the Court's prior order and file an updated address. (ECF No. 7.) The Court entered judgment that same day and closed the case. (ECF No. 8.)

Later that same day, Plaintiff filed a notice of change of address (ECF No. 10) and moved for an extension of time to file a first amended complaint in accordance with the screening order. (ECF Nos. 4, 11).

The Court construes the motion for an extension of time as a motion to reopen the case. (ECF No. 11.) In the motion, Plaintiff notes that he had been transferred. (*Id.* at 2.) The Court notes that Plaintiff's change of address and motion for an extension of time were sent through the U.S. Postal Service because Plaintiff is not at an e-filing location. (*Id.* at 6.)

The Court grants the motion to reopen. (ECF No. 11). The Court now vacates the dismissal order (ECF No. 7) and judgment (ECF No. 8) and reopens this case. The Court grants Plaintiff until March 24, 2023, to file an amended complaint. If Plaintiff chooses not to file an amended complaint, this action will proceed only against Defendants Dr. Naughton, Dr. Marks, Carmen, Dr. John Doe, Jane Doe #3, Jane Doe #4, and John Doe

1 #5, when Plaintiff learns their identities, on the Eighth Amendment claim for deliberate
2 indifference to serious medical needs.

3 It is therefore ordered that the Court construes the motion for extension of time
4 (ECF No. 11) as a motion to reopen and grants the motion.


5 It is further ordered that the Clerk of Court vacate the dismissal order (ECF No. 7)
6 and judgment (ECF No. 8) in this case.

7 It is further ordered that the Clerk of Court reopen this case and send Plaintiff
8 courtesy copies of the screening order (ECF No. 4) and Complaint (ECF No. 5).

9 It is further ordered that, if Plaintiff chooses to file an amended complaint curing
10 the deficiencies of his Complaint, as outlined in the screening order (ECF No. 4), Plaintiff
11 will file the amended complaint by March 24, 2023.

12 It is further ordered that, if Johnson fails to file an amended complaint curing the
13 deficiencies outlined in the screening order, this action will proceed only against
14 Defendants Dr. Naughton, Dr. Marks, Carmen, Dr. John Doe, Jane Doe #3, Jane Doe #4,
15 and John Doe #5, when Plaintiff learns their identities, on the Eighth Amendment claim
16 for deliberate indifference to serious medical needs.

17 DATED THIS 21st Day of February 2023.

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20 MIRANDA M. DU
21 CHIEF UNITED STATES DISTRICT JUDGE
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